

## Chapter 3. ADDITIONAL USE STANDARDS

### 3.1 Purpose and Intent

There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or

operation. Such conditions ensure compatibility among building types so that different uses may be located in proximity to one another without adverse affects to either. This Chapter specifies those requirements that shall be met by all the uses listed in the Uses Permitted with Additional Standards and Special Uses sections for each District in Chapter 2.

Each use shall be permitted upon compliance with all conditions listed for the use in this chapter. Certain uses are classified as ***Special Uses*** and require a Special Use Permit and City Council approval in accordance with Section 15.17.

### 3.2 Applicability

The regulations contained in this Chapter shall be applicable in those districts within which such uses are permitted.

### 3.3 Additional Standards by Use

#### A. Adult Establishments – *For HB only*

The purpose of this special exception shall be to permit the location of adult establishments within a commercial or industrial district of the city provided the proposed business adheres to the guidelines established herein.

Because of their very nature, adult establishments are recognized as having serious objectionable operational characteristics, particularly when they are located near a residential zoning district or certain existing land uses. Special regulation of these establishments is necessary to insure that these adverse effects will not contribute to a downgrading or blighting of surrounding residential districts or neighborhoods, unless otherwise determined by this Section.

1. **Location Standards:** No portion of a lot for an adult establishment may be located within a 1000-foot radius (determined by a straight line and not street distance) of any place of worship, school (public or private), specialty school, day care facility, public park, college or university, nursing home, hospital or any residential zoning district. No portion of the lot on which the adult establishment is located shall be situated within 1000 feet of another adult establishment.
2. **General Standards:**
  - a. The owner/operator of the adult establishment must have a current, valid business license. Owner/operator and employees must make disclosure of criminal record and consent to a criminal records check. Persons with a record of sex offenses will be denied a business license or employment.

- b. The owner/operator shall be in full compliance with Article II, Chapter 42, of the Salisbury City Code.
- c. All patrons and their employees shall be 21 years of age.
- d. There shall be no more than one adult establishment business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult establishment business.
- e. The structure in which the adult establishment is located shall contain no sleeping quarters.
- f. The adult establishment shall not be open for business between the hours of 12:00 midnight and 12:00 noon. The establishment shall be closed on Sundays.
- g. If dancers are employed as a feature of the adult establishment, the performing areas for such dancers shall be separated from patrons by at least ten feet.
- h. If viewing booths are provided, such are to be designed so as to allow the person of occupants to be completely visible from a portion of the premises open and available to the public.
- i. The applicant shall propose and implement a site-lighting plan adequate to ensure public safety.
- j. An adult establishment may be advertised by one (1) sign on the premises which shall be sized and illuminated in compliance with Chapter 12. Printed material, video, photograph, written text, live show, or other visual presentation format shall not be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

**3. Zoning Board of Adjustment Actions**

- a. **Variances:** The Zoning Board of Adjustment may vary the radius requirements as stated in Subsection 3.3.A.1. above when it finds that:
  - Practical difficulties or unnecessary hardships would result from the strict enforcement of the radius requirements; and
  - The proposed use will not be injurious to property or improvements in the affected area; and
  - The proposed use will not enlarge or encourage the development of a blighted condition within an area; and
  - The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement or revitalization; and that all of the conditions in Section 15.16.C have been met.

- b. **Revocation of Zoning Permits:** The Board of Adjustment may revoke the Zoning Permit, after notice and hearing upon one or more of the following grounds:
- Failure to comply with the aforementioned standards.
  - Employment of any person under the age of 21 years of age.
  - Operating an establishment disruptive of peace and good order as evidence by lack of sufficient on-premises security and specifically by a conviction of a criminal offense, a material element of which occurred on the premises of the adult establishment.
  - Admittance of patrons younger than 21 years of age.
  - Excessive criminal activity on or near the premises if the board of adjustment finds that the operation of the adult establishment is related to such criminal activity or attracts transients or other persons who have been involved or are likely to be involved in such criminal activity.

**B. Alcohol Beverage Sales Store – *For NMX & HS only***

1. Such uses shall not be located within a minimum of 500 feet of lots in use with schools, churches, hospital, and day care centers.

**C. Animal Services – *For RR & UR only***

1. No outdoor kennel shall be located within five hundred (500) feet of any adjacent residence.
2. All open exercise, boarding, training or similar areas shall be designed to effectively buffer noise audible to surrounding properties and enclosed by a fence or wall no less than six (6) feet in height and screened from any residence or off-site view from a public street by a Type A planting yard with a minimum width of 10 feet.
3. Hours of operation for the outdoor exercise facility are limited from 7:00 a.m. to 9:00 p.m.
4. No more than 30% of the gross floor area of the principal structure is permitted for use of boarding animals.

**D. Bar/Tavern/Night Club – *For NMX, CMX, DMX, & HB only***

1. No such facility shall be located within five hundred (500) feet of any lot containing a school.

**E. Campground – *For All Districts***

1. **Size:** Minimum of three acres; maximum of 10 acres
2. **Density:** Maximum of 10 campsites per acre
3. **Minimum space requirements:**
  - a. Each space shall consist of at least 2,000 square feet;
  - b. Each space shall be designated on the ground by permanent markers.
4. **Minimum setbacks for campsites and accessory structures:**
  - a. 100 feet from any adjoining property line;
  - b. 50 feet from any public street right-of-way
5. **Minimum setbacks for recreational vehicles (or travel trailers):** Setbacks shall be at least 10 feet from each other or from accessory structures, such as attached awnings or carports, or individual storage facilities.
6. **Access to the site:** Access shall be provided by a major or minor thoroughfare, as depicted on the Salisbury Thoroughfare Plan.
7. **Interior drives:**
  - a. Each campsite shall abut an interior drive;
  - b. A minimum of 18 feet in width for two-way travel; a minimum of 12 feet in width for one-way travel;
  - c. Paved or consist of a minimum of six-inch compacted gravel
  - d. No parking on either side.
8. **Parking:** An all-weather surface area, such as pavement or gravel, with sufficient dimensions to accommodate at least one automobile and camping vehicle shall be constructed within each site.
9. **Walkways:** Sidewalks and other walkways within the campground area shall be at least four feet in width with an all-weather surface, such as pavement or gravel. Nature trails are not required to have all-weather surfaces.
10. **Unpaved Areas:** All unpaved areas within the campground shall have vegetative ground cover adequate to prevent erosion and dust.
11. **Trees:** At least one tree shall be provided for each two camping spaces.

12. **Recreation area:**

- a. In all campgrounds there shall be at least one recreation area that shall be easily accessible to all spaces.
- b. The size of such area shall not be less than eight percent of the gross site area.

13. **Planting yards:**

- a. Adjoining residentially zoned properties – Type C planting yard, with complete visual separation.
- b. Adjoining non-residentially zoned properties – Type B planting yard.

14. **Trash collection areas:** All trash collection areas shall be completely screened from view at any public right-of-way or property line.

15. **Telephone:** At least one public telephone shall be provided.

16. **Utilities:**

- a. All utilities shall be located underground;
- b. The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform to all applicable codes.
- c. Each park shall obtain water from a municipal water supply when available and, when unavailable, from a source approved by the county health department. The water supply and pressure shall be adequate for the park requirements.

17. **Signage:** Signage shall be in accordance with the Residential Sign Table in Section 12.6.

18. **Maximum length of stay:**

- a. 30 consecutive days;
- b. 90 days per calendar year

19. **Employee(s):** Each campground shall provide at least one full-time attendant.

20. **Manufactured dwellings:** It shall be unlawful for a person to park or store a manufactured dwelling in a campground, except that one manufactured dwelling may be located within the park for exclusive use by the park manager or operator. This manufactured dwelling shall be located in an area designated on the site plan and approved by reviewing boards.

**21. Accessory uses:**

- a. The park may contain a retail sales counter and/or coin-operated machines for the park residents' use only, provided they are enclosed within a structure and there is no exterior advertising.
- b. The park may contain laundry facilities, limited in usage to campground patrons.

**F. Cemetery – For RR, RMX, & NMX only**

1. Embalming or cremation facilities (principal or accessory use) are not permitted except where permitted by right.
2. Setbacks from all street right-of-ways and adjacent properties to a grave shall be a minimum of 10 ft.

**G. Child/Adult Day Care Home (Less than 6 persons) – For RR, GR, UR, HR, RMX, NMX, & IC only**

1. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the N.C. Department of Health & Human Services.

**H. Child/Adult Day Care Center (6 or more persons) – For RMX, NMX, LI, HI, & IC only**

1. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the N.C. Department of Health & Human Services.

**I. Drive-Thru Service – For RMX, NMX, DMX, & TND only**

1. Drive-through windows and services shall be located and accessed only at the rear of the building.
2. Vehicle storage for drive-through uses shall be located outside of and physically separated from the right-of-way of any street.
3. Drive-through facilities shall be screened from off-site view from a street right of way by a Type A planting yard with a minimum width of 10 ft.

**J. Dwelling – Multifamily 4 units/bldg or less – For HR only**

1. Up to four (4) units per building, or less, are permitted only when the structure was originally constructed to contain such multiple units.

**K. Dwelling-Secondary – For RR, GR, UR, HR, & RMX only**

Secondary dwelling units within single-family houses or on single-family lots shall be encouraged and designed to meet housing needs.

1. The accessory dwelling unit shall be subordinate to the primary living quarters.

2. Not more than one (1) secondary dwelling unit is permitted per lot.
3. Any secondary dwelling unit shall be located in the rear yard of a single family use lot subject to the requirements of this Section.
4. Secondary dwelling units may be created as a second story within detached garages provided that the height of the secondary dwelling unit and/or garage does not exceed the height of the principal structure on the lot. There shall be a two (2) story height maximum.
5. The secondary dwelling unit may not be larger than fifty (50) percent of the gross floor area of the principal structure with a minimum habitable area of not less than 300 square feet. Maximum building footprint for a secondary dwelling unit shall be 750 square feet.
6. No additional parking spaces are required for the secondary dwelling unit provided the number of spaces for the principal structure (per Chapter 10) is satisfied.
7. Secondary dwelling units shall be architecturally compatible to the principal building (e.g. pitch of roof, wall or trim materials, architecture style, window details).
8. The property owner(s) on which the accessory dwelling unit is to be located shall occupy at least one (1) of the dwelling units on the premises (GR, UR, & HR only).

**L. Equipment Rental – *For DMX only***

1. No outside storage of rental equipment is permitted.

**M. Gas Station – *For All Districts***

1. Automobile pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street. All canopies shall be a minimum of ten feet (10 ft) from any adjoining non-residential property or public right-of-way and twenty feet (20 ft) from any residentially zoned property. (Not applicable in CMX & HB districts).
2. All areas where vehicles are stored temporarily shall be considered as parking lots and shall comply with the provisions of Chapter 10.
3. All such vehicle storage areas shall be located at the rear of the building.
4. The outdoor service area of a car wash (such as vacuum cleaners) shall be placed in the rear yard only and screened from view from the public street(s). (No screening required in CMX & HB)
5. Lighting provided by canopies shall be per the specifications of Chapter 11.

6. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.
7. A maximum of 8 cars may be serviced at fueling stations in the NMX, DMX, and TND Districts.
8. Up to half of the required parking may be satisfied by fueling station parking.

**N. General Retail – 3,500 square feet or less – *For RMX & NMX only***

1. Alcohol sales shall require a Special Use Permit.

**O. General Retail - Greater than 50,000 square feet – *For All Districts***

1. **Traffic Study Required:** Development Greater than 50,000 sf in Gross Floor Area shall require the submission of a Traffic Impact Analysis in accordance with Section 16.14. The improvements recommended by the Study shall be constructed by the applicant as a condition of approval.

**P. Group Care Facility (More than 6 residents) – *For All Districts***

1. Any structure used for such facility in the UR or RMX district shall maintain an appearance of a residence which is compatible with the surrounding neighborhood.
2. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the N.C. Department of Health & Human Services.

**Q. Home Occupation – *For RR, GR, UR, HR, RMX, IC & TND only***

A home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

1. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
2. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of this Ordinance.
3. The use shall employ no more than one person who is not a resident of the dwelling. The use shall not be open to the public before 7:00 a.m. or after 9:00 p.m.
4. A home occupation housed within the dwelling shall occupy no more than 30 percent or more than 500 square feet (whichever is less) of the total floor area of the dwelling.
5. There shall be no visible outside display of stock in trade which is sold on the premises.



6. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
7. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
8. Only non-commercial vehicles will be permitted in connection with the conduct of the home occupation.
9. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home.
10. One wall sign is permitted not to exceed three (3) square feet in size.

**R. Housing Service for the Elderly – *For GR & UR only***

1. The total number of dependent or independent units shall not exceed the applicable district's density maximum.
2. Shall be permitted as new development only.

**S. Live Work Units – *For All Districts***

1. Shall not exceed 3,000 square feet in total size and three stories in height.
2. The work area shall occupy no greater than 50% of total unit.
3. The same occupant shall inhabit the work area and living area.
4. There shall be a maximum of five non-resident worker/employees allowed in the Live-Work unit at one time.

**T. Manufactured Housing – *For All Districts***

1. The Manufactured Home shall meet the architectural standards of Section 5.7.C.
2. A minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least forty (40) feet. In general terms, this only permits double-wide manufactured housing.
3. A manufactured home shall not be used for a nonresidential purpose.

**U. Manufacturing – Neighborhood – *For RMX only***

1. Outdoor storage is prohibited.
2. The use shall be limited to 10 employees.

**V. Public Safety Station – *For RR, GR, UR, HR, RMX & NMX only***

1. Incarceration facilities shall not be incorporated into the station.

**W. Residential Treatment Facility – *For RR, RMX, NMX & TND only***

1. No such use shall be located within ½ mile of another residential treatment facility.
2. Applicant shall prove ability to obtain license from the N.C. Department of Health and Human Services, and any facility shall be developed and maintained in accordance with all current and applicable provisions of the N.C. Department of Health & Human Services
3. Applicant shall demonstrate need for such facility based on empirical data.
4. Applicant shall provide enrollment and capacity information by school district, including elementary, middle, and high school.

**X. Restaurant – *For RMX only***

1. Shall not exceed 3,500 square feet in total size.

**Y. Storage – Warehouse / Indoor Storage – *For CMX & DMX only***

1. When operated as adaptive re-use only.

**Z. Vehicle/Heavy Equipment Sales – *For DMX & TND only***

1. **Equipment Display/Storage:** No equipment for sale or rent may be displayed in any front yard, nor shall such displays be permitted to encroach on any required landscaping areas or planting yards.
2. **Outdoor PA Systems:** No outdoor public address system shall be permitted.

**AA. Wireless Telecommunication Facility – *For All Districts***

The purpose and intent of this section is to provide regulations regarding and affecting the location and characteristics of commercial (i.e., non-governmental or emergency use) wireless telecommunications facilities in the City of Salisbury's zoning jurisdiction.

In recognition of the Telecommunications Act of 1996, it is the intent of the City of Salisbury to allow Wireless Telecommunication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level

of service to its customers while protecting the health, safety, and welfare of the citizens of Salisbury. Wireless Telecommunication Facilities may be considered undesirable with other types of uses, most notably residential, therefore special regulations are necessary to ensure that any adverse affects to existing and future development are mitigated.

**1. Stealth**

- a. All facilities shall be mounted in a manner such that the personal wireless service facilities do not extend beyond the top of the building or structure on which they are being mounted.
- b. Such facilities shall be designed to blend in with the existing structure or buildings with similar colors or other techniques as appropriate.

**2. Tower**

**a. Antenna standards**

- (1) Antennas shall not interfere with the usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the Federal Communications Commission.
- (2) All antennas shall comply with FCC and FAA guidelines. The antenna owner shall provide the city each year with a copy of any FCC and FAA license issued.
- (3) Antennas shall be restricted to the minimum standards of lighting required by the FAA. All antennas that require flashing lights by the FAA shall utilize a dual lighting system consisting of a white strobe light for daytime lighting and a red flashing light for nighttime lighting.
- (4) All antennas and related mechanical equipment placed on structures other than towers shall be concealed antennas. Antennas located on top of buildings or other structures shall not exceed 30% of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet.
- (5) The antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (6) Antennas erected solely for a residential, noncommercial individual use, such as residential television antennas, satellite dishes, or ham radio antennas are exempt from these requirements.

**b. Tower standards for LI and HI Districts**

Provided that the proposed wireless telecommunications facility satisfies all performance standards below, wireless telecommunications facilities shall be permitted as of right in the LI (Light Industrial) and HI (Heavy Industrial) districts.

- (1) New telecommunications towers shall be located at least 500 feet from any existing, legal residential uses in the LI and HI districts.
- (2) No new telecommunications tower shall be permitted in, or within 200 feet of, any officially recognized Federal, State or local historic district or site.
- (3) No new, guyed telecommunication towers are allowed.
- (4) No telecommunications tower (including all appurtenant structures such as, but not limited to, lights, lightning rods and antennae) may exceed 200 feet in height.
- (5) The base of any telecommunications tower shall be set back from the nearest property line a distance at least equal to the height of the proposed facility (including the telecommunications tower, and any appurtenances thereto such as, but not limited to, lights, lightning rods and antennae).
- (6) The telecommunications tower shall be designed to accommodate the weight and bulk of antennae and equipment for at least two other telecommunications service providers.
- (7) A new tower may not be located within 1,500 feet of another, existing tower (such distance to be measured in a straight line from base of tower to base of tower).
- (8) Lighting, if any, shall not exceed the minimum lighting required by the Federal Aviation Administration (FAA). The applicant shall demonstrate by written documentation that any lighting proposed is the minimum lighting required by the FAA, and shall specifically demonstrate that marking, rather than lighting, has been deemed unacceptable at the site by the FAA.
- (9) The base of each tower shall be enclosed by a fence or wall at least eight (8) feet.
- (10) The base station equipment and tower base, and the fence surrounding it, shall be screened from view from surrounding properties by a landscaping barrier at least eight (8) feet in depth and at least six (6) feet in height.
- (11) The application for a tower shall include the following information:

- i) The identity of the owner and intended user(s) of the tower;
- ii) Written documentation signed and sealed by a qualified, licensed engineer indicating that the tower and its base station area have sufficient structural integrity to accommodate antennae and accessory equipment of at least three (3) users;
- iii) A map indicating the location of applicant's nearest, other antennae locations (360°), and a statement of the applicant's need for the facility for which approval is sought;
- iv) Written documentation that there are no suitable, existing facilities available to the applicant within its coverage area to allow co-location of the applicant's equipment. Such documentation shall include a map of the applicant's desired coverage area and a list of 9 candidate sites considered, if any, and a description of applicant's efforts to gain permission to use each identified candidate site.
- v) A written statement of the applicant's intent to allow shared use of the tower by at least the minimum number of additional users required by this Ordinance;
- vi) A photograph or other pictorial representation of the appearance of the proposed antenna array to be mounted at the top of the tower.
- vii) The applicant shall guarantee in writing, and provide financial security by cash deposit, letter of credit, bond or other means approved by the Administrator, to ensure that the tower will be removed within six (6) months of cessation of use and that sufficient funds are available to pay all costs associated with such removal. The amount and form of security shall be reviewed at least every two years, and the amount thereof increased, if necessary, to equal the amount of the then-established cost of removal.

**c. Special Use Permit Standards for Towers**

- (1) In addition to making the findings required by the City of Salisbury Zoning Ordinance for the approval of a special use permit generally, the City Council shall also find the following before approving an application for a special use permit to construct or locate a wireless telecommunications facility:
  - i) That no other existing wireless telecommunications facility or tower can provide adequate service in the area which the applicant seeks to cover from the proposed location, without increasing the height of the existing facility or tower;

- ii) That the height of the proposed wireless telecommunications tower is no greater than the minimum necessary to provide adequate service to the applicant's proposed coverage area. In this regard, the applicant shall specifically describe both the service area and the level of service (both in terms of signal strength and type of coverage – in building, in-vehicle, or both) desired in the service area;
- iii) That a qualified, licensed engineer has certified that the electromagnetic field expected to be generated by the proposed telecommunications facility (assuming the maximum number of antennae simultaneously operating at the maximum expected power) are within threshold levels deemed safe by the Federal Communications Commission;
- iv) That a qualified, licensed engineer has certified that the proposed telecommunications facility will not cause interference with existing telecommunications devices, nor with the operations of radios, televisions, cell telephones, computers, and other electronic equipment, on adjoining and nearby properties;
- v) That propagation studies of the proposed site and the applicant's proposed existing wireless telecommunications facilities immediately surrounding the proposed site, demonstrate that the proposed facility will, in fact, satisfy the applicant's service goals in the area to be covered by the proposed wireless telecommunications facility;
- vi) That the visual impact to the area surrounding the proposed site due to the height or bulk, or other visual characteristic, of the proposed facility is limited to a level acceptable to the City Council. The City Council may require the applicant to provide photographic simulations or other evidence to demonstrate what the proposed facility would look like if constructed as proposed at the site;
- vii) That the applicant has demonstrated sufficient financial responsibility to ensure the removal of the proposed telecommunications facility upon its cessation of use. Applicants may satisfy this requirement by providing security in a form and amount deemed sufficient by counsel and by a qualified engineer to cover the cost of removal of the facility. The amount and form of security shall be reviewed at least every two years, and the amount thereof increased, if necessary, to equal the amount of the then-established cost of removal.

- d. **Replacement of existing towers:** Towers existing at the time of this Ordinance may be replaced with a taller tower and reviewed for approval by the Administrator in lieu of the Board of Adjustment, provided the tower shall conform to the standards detailed in Subsection b above, as well as with the following standards:
- (1) The height of the replacement tower may not exceed the height of the original tower by more than 50 feet, and the addition of up to 50 feet may occur only once.
  - (2) The replacement tower shall be located in as close proximity to the base of the original tower as reasonably possible, but in no event more than 50 feet from the base of the original tower.
  - (3) The replacement tower shall utilize monopole construction and shall be designed and equipped with the technological and structural capability to accommodate at least one other wireless communication carrier or provider.
  - (4) The owner of the replacement tower shall provide the planning director with an affidavit stating that at least one other wireless communications carrier needs a wireless communications facility within 1,250 feet of the subject site and that such carrier has agreed to co-locate on the replacement tower.
  - (5) The fall and debris radius requirement and setback requirement in Subsection b above may be exempted provided certified drawings from an engineer are given attesting that the proposed replacement tower and debris would fall within the boundary lines on which the tower is located.
  - (6) The base of the replacement tower shall be screened to the extent practical on a case by case basis upon review and approval of the planning director. A combination or option of solid screen (fencing) or vegetative screens shall be utilized based upon Chapter 8, Landscaping.

This page intentionally left blank